

Serial No. 10/701,503

Docket No.: 1572.1192

**REMARKS**

The Office Action rejects claims 1-24.

Applicant cancels claim 24 without prejudiced or disclaimer, and amends claims 1-3, 7-10, and 19-23. Accordingly, claims 1-23 are pending. No new matter is submitted.

Reconsideration of all pending claims is respectfully requested.

**Rejection of Claims under 35 U.S.C. § 102(e)**

Claims 1-9, 17-19, 21 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,802,186, issued to Holmes et al. (hereinafter referred to "Holmes"). This rejection is respectfully traversed.

Claim 24 is cancelled without prejudice or disclaimer.

Holmes does not disclose, teach, or suggest at least, "the opening of the discharging shutter is coupled with the operation of the discharging lever turning on the switching part," and "controlling the driving part to operate after a lapse of a predetermined delay time since the switching part is turned on," as recited in claim 1.

As indicated in paragraphs [0006] and [0007] of the specification, the prior art had problems in that the switching part may not be turned on as the discharging lever is rotated even though the discharging shutter is open and in that the shutter may not be open as the discharging lever is rotated even though the switching part is turned on. Therefore, as indicated in claim 1, the present invention solves this problem by coupling the opening of the discharging shutter with the operation of the discharging lever turning on the switching.

In contrast, Holmes discloses an ice dispenser including a target switch or cradle, which can be depressed with a cup or glass. The HMI board 324 sends a signal to open a dispenser duct door, turn on a dispenser light, start the delay timer and request that a main control board 326 turn on auger motor 346. However, the delay timer only functions to ensure that the transmission from the HMI board 324 to the main control board 326 is completed. Accordingly, at best, the delay time of Holmes only provides the delay time needed to complete the selection of crushed ice or cubed ice.

Therefore, for at least these reasons, it is respectfully submitted that claim 1 patentably distinguishes from the cited reference.

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Claims 3-7 depend directly or indirectly from claim 1 and include all the features of that claim plus additional features which are not taught or suggested by the cited reference. Therefore, for at least the above reasons, it is respectfully requested that claims 3-7 also patentably distinguish over the cited reference.

Moreover, Holmes does not disclose, teach or suggest at least, "controlling the driving part to operate as soon as the switching part is turned on again before a predetermined restart time passes since the switching part is turned off," as recited in claim 4.

As discussed above, Holmes discloses an ice dispenser including a target switch or cradle, which can be depressed with a cup or glass. The HMI board 324 sends a signal to open a dispenser duct door, turn on a dispenser light, start the delay timer and request that a main control board 326 turn on auger motor 346. However, the delay timer only functions to ensure that the transmission from the HMI board 324 to the main control board 326 is completed. Once the communication from the HMI board 324 to the main control board 326 is completed, the main control board 326 restarts the delay timer. In addition, the main control board 326 starts a watchdog timer of the dispenser. When the watchdog timer expires or the target switch is released, the auger motor 346 is stopped (col. 27, line 10 - col. 28, line 2).

Thus, Holmes does not disclose, teach or suggest at least, "controlling the driving part to operate as soon as the switching part is turned on again before a predetermined restart time passes since the switching part is turned off," as recited in claim 1. The delay timer and watchdog timer of Holmes do not provide such a restart time. In contrast, paragraph 39 of the specification and figures 5-6 show an exemplary embodiment including such a restart time, noting this is only an example.

Therefore, for at least the above reasons, it is respectfully submitted that claim 4 patentably distinguishes over the cited references.

Claim 8 is amended to include the some of the features of original claims 10. The Office Action has already indicated that Holmes does not disclose "recitation of the structure of the refrigerator such as the levers, solenoids, and pistons that make up the dispenser..." (item 4, pages 3-4 of the Office action).

In addition, Holmes does not disclose, teach, or suggest at least, "the opening of the discharging shutter is coupled with the operation of the discharging lever turning on the switching part," as recited in claim 8 for same reasons as discussed above with respect to claim 1. For at least these reasons, it is respectfully submitted that claim 8 patentably distinguishes over the cited reference.

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Claims 9, 17, 18, and 19 depend from claim 8 and include all of the features of that claim plus additional features which are not taught or suggested by the cited reference. Therefore, for at least the above reasons, it is respectfully requested that claims 9, 17, 18, and 19 also patentably distinguish over the cited reference.

Claim 21 is amended to include some of the original features of claim 23. As with respect to claims 1 and 8 above, Holmes does not disclose, teach, or suggest at least, "wherein the opening of the discharging shutter is coupled with the operation of the discharging lever turning on the switching part," as recited in claim 21.

Therefore, for at least these reasons, it is respectfully submitted that claim 21 patentably distinguishes over the cited reference.

Claim 22 depends from claim 21 and includes all of the features of that claim plus additional features which are not taught or suggested by the cited reference. Therefore, for at least the above reasons, it is respectfully submitted that claim 22 also patentably distinguish over the cited reference.

#### Rejection of Claims under 35 U.S.C. §103(a)

Claims 10-16, 20 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Holmes in view of U.S. Patent 5,139,183 to Buchser et al. (hereinafter as referred to as "Buchser"). This rejection is respectfully traversed.

Buscher does cure the deficiencies of Holmes. Holmes and Buscher, taken separately or in combination, do not disclose, teach, or suggest at least, "the opening of the discharging shutter is coupled with the operation of the discharging lever turning on the switching part," as recited in claims 8 and 21.

Claims 10-16 and 20 depend from claim 8 and include all of the features of that claim plus additional features which are not taught or suggested by the cited reference. Therefore, for at least the above reasons, it is respectfully requested that claims 10-16 and 20 also patentably distinguish over the cited reference.

Claim 23 depends from claim 21 and includes all of the features of that claim plus additional features which are not taught or suggested by the cited reference. Therefore, for at least the above reasons, it is respectfully requested that claim 23 also patentably distinguishes over the cited reference.

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Summary

Claims 1-23 are pending and under consideration. It is respectfully submitted that none of the references taken alone or in combination disclose the present claimed invention.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

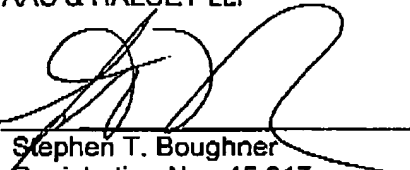
Respectfully submitted,

STAAS &amp; HALSEY LLP

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2/26/05

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